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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,383	06/20/2003	Travis M. Drucker	ROC920030172US1	8543

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EXAMINER

MIZRAHI, DIANE D

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/600,383	Applicant(s) DRUCKER ET AL.	
	Examiner DIANE D. MIZRAHI	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

III. DETAILED ACTION

Claims 1-28 are presented for examination and are pending.

Drawings

The Examiner contends that the drawings submitted on June 23, 2003 are acceptable for examination proceedings.

Claim Objections

Claims 11-16 are objected to because of the following informalities: Examiner request the Applicant to include in Applicant's preamble of claims "storage" such that the claim reads, "A computer-readable storage medium". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 11 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner is unclear as to what Applicant meant by the term "sufficient". Further clarification is required.

Claim Rejections - 35 USC . 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claims 1-9 and 17-28 are rejected under 35 U.S.C. 101 because the claims are directed to a non-statutory subject matter, specifically, directed towards an abstract idea.

The Supreme Court has repeatedly held that abstractions are not patentable. "An idea of itself is not patentable". Rubber-Tip Pencil Co. V. Howard, 20 Wall. 498, 07. Phenomena of nature, though just discovered, mental processes, abstract intellectual concepts are not patentable, as they are the basic tools of scientific and technological work Gottschalk v. Benson, 175 USPQ 673, 675 (S Ct 1972). It is a common place that laws of nature, physical phenomena, and abstract ideas are not patentable subject matter Parker v. Flook, 197 USPQ 193, 201 (S Ct 1978). A process that consists solely of the manipulation of an abstract idea is not concrete or tangible. See In re Warmerdam, 33 F.3d 1354, 1360, 31 USPQ2d 1754, 1759 (Fed. Cir. 1994). See also Schrader, 22 F.3d at 295, 30 USPQ2d at 1459.

Claims 1-9 and 17-28 represents an abstract idea that does not provide a practical application in the technological arts.

Art Unit: 2165

There is no manipulation of data nor is there any transformation of data from one state to another state being performed in "A method for referencing a data selection from a collection of data" and An annotation system". Actually, no post-computer process activity is found in the technological arts. "A method for referencing a data selection from a collection of data" and An annotation system" not a physical transformation. Thus, no physical transformation is performed, no practical application is found. Also, the claims do not appear to correspond to a specific machine or manufacture disclosed within the specification and thus encompass any product of the class configured in any manner to perform the underlying process. Consequently, the claims are analyzed based upon the underlying process, and are thus rejected as being directed.

Examiner's Remarks

Regarding Claims 1-9 and 17-28, Examiner requires Applicant to include "A computer-implemented" in Applicant's preamble of claims 1-8.

Regarding Claims 9-18, Examiner requires that Applicant include "a computer-readable storage medium" in the preamble of Claims 14 and 27.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 10-18 and 20-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Pierre Bensoussan et al. (US Patent No. 6,581,068 B1 and Bensoussan hereinafter).

Regarding Claims 1 and 11, Bensoussan teaches a method for referencing a data selection, from a collection of data, comprising: creating a reference to the data selection (col 4, lines 45-59); creating an edge definition for the data selection comprising sufficient information to define at least two edges that bind the data selection (i.e. spreadsheet) (col 5, lines 30-39); and associating the edge definition with the reference (col 5, lines 39-52).

Regarding Claims 2 and 14, Bensoussan teaches an annotation (i.e. comments) (col 3, lines 32-43).

Regarding Claims 3, 13 and 15-16, Bensoussan teaches creating an index for the reference and storing the edge definition with the index (i.e. indexing) (col 9, lines 25-34).

Regarding Claim 4, Bensoussan teaches a discontinuous set of data points (i.e. cell). (col 11, lines 57-63).

Regarding Claims 5 and 12, Bensoussan teaches partitioning the data selection into sections of contiguous data points; and creating an edge definition for each section of contiguous data points, the edge definition for each section containing sufficient information to define one or more bounding edges of the corresponding section (i.e. reads on spreadsheet) (col 11, lines 35-42).

Regarding Claim 6, Bensoussan teaches list of data points defining a horizontal edge and a vertical edge of the two-dimensional array, each data point specified by a row value and a column value (i.e. reads on spreadsheet) (col 11, lines 35-42) see also (col 13, lines 39-55).

Regarding Claim 7, Bensoussan teaches a list of row values and a list of column values, the lists combinable to generate a set of data points defining a horizontal edge (col 13, lines 39-55) see also (col 5, lines 30-39).

Regarding Claim 18, Bensoussan teaches at least three dimensions (Figure 4 data structure core cube).

Art Unit: 2165

Regarding Claims 17 and 20-28, the limitation of this claim is similar in scope to the rejected claims above and is rejected as set forth above.

Claim Rejections - 35 USC 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierre Bensoussan et al. (US Patent No. 6,581,068 B1 and Bensoussan hereinafter) in view of Ioan Al. Salomie (US Publication No. 20030052875 A1 and Salomie hereinafter).

The teachings of Bensoussan have been discussed above.

Regarding Claims 8,9 and 19, Bensoussan does not teach data selection is bound by a surface of a sphere and radius of a sphere.

Salomie teaches data selection is bound by a surface of a sphere and radius of a sphere (Figure 30).

Art Unit: 2165

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Bensoussan with the teachings of Salomie to include data selection is bound by a surface of a sphere and radius of a sphere with the motivation to efficiently store, exchange and process data and for the speed and quality of data Salomie [0005].

Other Prior Art Made of Record


The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions. Examiners advises the Applicant that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site (www.uspto.gov), from the Office of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D. Mizrahi whose telephone number is 571-272-4079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 305-3900 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Diane Mizrahi
Primary Patent Examiner
Technology Center 2100

December 1, 2005